

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 cv 423**

JERRY ANDERSON,

Plaintiff

v

**CALDWELL COUNTY SHERIFF'S
OFFICE, et al.,**

Defendants.

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ORDER

PENDING before the court is the a motion entitled Joint Motion to Modify the Scheduling Order, Continue the Trial Date, and Schedule a Rule 16(a) Conference (#125). In the motion the parties request the Court to hold in abeyance all further deadlines pending a ruling on the pending motions in this case. Discovery in the case closed June 7, 2011. Dispositive motions are currently due July 7, 2011. The undersigned attempted to schedule a hearing in regard to the motion but canceled the hearing at the request of counsel for plaintiff.

The parties have had ample time in this case to conduct discovery. The court has previously granted a motion to extend the discovery period in this case. By waiting until the extended discovery period was nearly closed to file a host of discovery motions, the parties took a calculated risk that the Court would be unable to rule on their motions prior to the expiration of the deadline for filing dispositive motions.

The Court has, however, considered the motion and has consulted with the

District Court. The Court will deny the joint motion to hold in abeyance all deadlines in this matter. The Court has attempted to hold a scheduling hearing, but at request of counsel for plaintiff has now canceled the hearing so that portion of the motion is moot. The Court will extend the deadlines as follows:

The discovery deadline in this matter will be enlarged up to and including August 1, 2011. The deadline for filing dispositive motions will be enlarged up to September 1, 2011 and the trial in this matter will be held at the January 9, 2012 session of the District Court.

ORDER

IT IS, THEREFORE, ORDERED that the motion entitled “Joint Motion to Modify the Scheduling Order, Continue the Trial Date, and Schedule a Rule 16(a) Conference” (#125) is hereby **ALLOWED** in part and **DENIED** in part:

- 1) The Court DENIES the request to hold in abeyance the proceedings in this matter;
- 2) The Court finds that the request for a scheduling hearing has been rendered MOOT;
- 3) The Court will ALLOW the motion to modify the scheduling order as follows:

Discovery completion:	August 1, 2011
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Dispositive motions:	September 1, 2011
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Trial:	January 9, 2012
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Signed: July 1, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

